IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.2459 of 2000

Dated: 28-06-2007

Between:

Bingu Gajendra Reddy, s/o late Sri Chittibabu Reddy.

... Petitioner

and

1. SDE (CS) South O/O A.M. South Room No.414,
   4th Floor,
   Suryalok Complex,
   Gunfoundry,
   Hyderabad –1 and 2 others.

... Respondents

ORDER:

Petitioner, who is a practicing advocate approached this Court and filed the present writ petition seeking a *mandamus* to declare the action of respondents in disconnecting his telephone connection bearing No.4071931, as arbitrary and illegal and consequently direct respondents to restore the telephone connection forthwith and also direct them to pay compensation of Rs.25,000/-.

2. According to the petitioner, he was provided with a telephone in

1996 and originally the telephone number was 453193 and thereafter the same was changed to 4071931. Though initially S.T.D. facility was provided to the said telephone within one month after the installation of the said telephone, he requested the authorities to cancel the STD facility for some personal reasons. According to him, he was regular in payment of telephone bills and he was never a defaulter. However, his telephone was disconnected on 06-01-2000 on the ground that there are arrears in payment of bills, but according to him, there were no arrears of bills. Hence, he approached this Court and filed the present writ petition.

3. It is stated that by virtue of the interim orders passed by this Court, the telephone connection was restored on 02-03-2000. Now respondents have come forward stating that it is purely because of the technical defect that had taken place on account of the failure of the computers, which had shown that there were arrears in payment of bills, the telephone was disconnected and thereafter after coming to know that it was a mistake, the department also paid compensation of Rs.487/- and had also given rebate in rentals to an extent of Rs.487/-.

4. Heard Sri G. Hemachalam, learned counsel for petitioner and Sri D. Krishna Murthy, learned Standing Counsel for BSNL.

5. I am unable to appreciate the said stand taken by the department. According to them there are outstanding bills as per their computers and the same occurred due to error in the computers and thus the said telephone was disconnected on 06-01-2000 and again on 19-04-2000.

In fact, petitioner had clearly stated that during the relevant period his daughter was suffering from multiple sclerosis, which requires constant attention in the house by keeping the Doctor, who attends on her and

he is to be informed her progress at regular intervals. It is also contended that because of the wrongful disconnection, petitioner, an advocate, was out of touch with his client etc. All these circumstances clearly indicate that the said disconnection was without any fault of the petitioner and respondents are alone responsible. As the Forum is altogether different and petitioner has to approach the Consumer Forum for his redressal, this Court is not inclined to award any damages as claimed, however, while holding that the said disconnection is purely on account of the fault by the department, petitioner is advised to approach the competent Forum for his redressal.

6. Accordingly, the writ petition is disposed of. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.28-06-2007
GLV